

## Federal Jury Indicts Fifteen As Sand Ring

### Eleven Individuals and Four Firms Are Accused of Anti-Trust Violations on Lockwood Evidence

### Price Fixing Is Alleged

### Committee Probes National Reporting System Used in Many Building Trades

The Federal authorities for the first time joined the attacking forces of the Lockwood committee against alleged illegal combinations in the building industry yesterday, when the Federal grand jury returned indictments against fifteen firms and individuals and to have been in control of the sand and gravel situation in this district.

The accused include four firms and eleven individuals who had been involved by numerous witnesses appearing before the committee. The indictments charge violations of the Sherman anti-trust law by conspiracy in restraint of trade, the elimination of competition and a conspiracy to monopolize the trade in a certain product.

#### Firms and Men Indicted

The firms named are the Goodwin-Gallagher Sand and Gravel Corporation, Manhattan Sand Company, Inc., Denox Sand and Gravel Company, Inc., and the Colonial Sand and Stone Company, Inc. The individuals named are: John J. Gallagher, vice president of the Goodwin-Gallagher Sand and Gravel Corporation, and vice president of the Manhattan Sand Company, Inc.; Peter C. Gallagher, treasurer of the Goodwin-Gallagher Sand and Gravel Corporation, and treasurer of the Manhattan Sand Company, Inc.; Frank E. Gallagher, secretary of the Goodwin-Gallagher Sand and Gravel Corporation and assistant treasurer of the Manhattan Sand Company, Inc.; Joseph Gallagher, secretary and treasurer of the Manhattan Sand Company, Inc.; William J. Mahoney, president of the Denox Sand and Gravel Company, Inc.; Richard A. Scanlon, secretary of the Denox Sand and Gravel Company, Inc.; Frank Kowalski, manager of the Manhattan Sand Company, Inc.; Lawrence Rakovsky, president of the Colonial Sand and Stone Company, Inc.; Eugene P. Clark, executive secretary of the Sand and Gravel Dealers' Board of Trade.

Thomas and Martin Lanigan, co-owners trading as Lanigan Brothers. At the same time the Lockwood committee went to the root of the entire combination evil by putting on the stand the alleged sponsor for the so-called "open price and reporting system" said to have been spread in book form all over the country and used by hundreds of trades and industries.

William J. Matthews, a Chicago attorney, who said he specialized in "trying to keep within the anti-trust laws" the operations of nearly a score of manufacturing groups, vigorously defended the system, contending there could be no cooperation and combination and at the same time competition.

#### Clearing House Conducted

This system, whereby manufacturers and association members exchanged through a clearing house information on bids and other business matters, and to be based upon the economic schemes proposed by the late Arthur Jerome Eddy, who had been counsel for contractors combining to fix prices, was organized under his direction.

The hearing yesterday also uncovered another combination among electrical contractors. It was testified that "Code of Practice" and "Canon of Ethics" in the industry was used by dealers and contractors associated with local, state and national organizations, and that the code was made through price lists sent out to members regularly.

The indictments against the sand ring were brought to the attention of Joseph Kaufmann, Special Assistant United States Attorney, who was recently appointed by Attorney General Palmer to cooperate with the Lockwood committee in the fight against corrupt practices in the building industry. Mr. Kaufmann was assisted by Assistant United States District Attorney Henry A. Guiler.

#### More Indictments Promised

Mr. Kaufmann intimated that this was merely the opening wedge of the government's action against alleged illegal rings and that more indictments were to follow shortly.

The indictments charge that the defendants knowingly and willfully engaged in a conspiracy to restrain trade and commerce, that they entered into an agreement to eliminate competition and enhance the price of sand and gravel, that they conspired to monopolize the trade in sand and gravel by obtaining control of firms and enforcing sale prices, and conspired in other and diverse ways for "all these purposes."

The Goodwin-Gallagher company is in effect accused as the controlling organization of those said to have combined to increase prices and eliminate competition. The firm is accused of merg-

ing four other wholesale diggers of Cow Bay sand and acquiring control of the other three firms mentioned in the indictments.

The indictments charge that in 1914 the Goodwin-Gallagher firm was organized as a merger, taking in the Goodwin Sand and Gravel Company and the Phoenix company. The other companies were taken in later, and in June, 1918, it is alleged, the Sand and Gravel Dealers' Board of Trade was organized, including many retail firms.

It is set forth that the Board of Trade was controlled entirely by the Goodwin-Gallagher concern, and that as a result competition was stifled, prices were fixed and the sand and gravel business in the district completely tied up.

In their plans for control of the product, it is alleged the Goodwin-Gallagher people obtained control of the J. L. Keating Company and dismantled its plant to eliminate competition. The indictment alleges that there was active competition before the alleged conspiracy.

In referring to the operations of the Board of Trade, the indictment asserts that the body was organized for the purpose of agreeing on resale prices to be charged by members for all sand and gravel obtained through the Goodwin-Gallagher firm.

#### Untermyer Is Elated

Samuel Untermyer, counsel for the Lockwood committee, was elated at the action of the Federal authorities. There are intimations in other circles that the state people have a good case against the sand men and that it is quite possible that the state also will start prosecution against them.

The debate on the legality of scores of associations of manufacturers organized under the so-called "open price and reporting" system was one of the liveliest held before the committee.

The legality of the plan, it developed, was involved in the Harwood Lumber case now in the Supreme Court of the United States. Both Mr. Untermyer and Mr. Matthews agreed that the Attorney General had made a "poor and weak case" against the American Lumber Company. "It is not a fair test," commented Mr. Untermyer, "and whatever its outcome, it will have no effect on the work of this committee."

Mr. Matthews' contention that the Eddy plan of "combination and cooperation" was proper, Mr. Untermyer declared emphatically it was illegal, and that he had advised the Lockwood committee. Mr. Matthews said he would like to see a good test of the system in the highest court in the land.

Among the societies of manufacturers with ramified branches throughout the nation which Mr. Matthews named as operating under the plan were the Bridge Builders and Structural Society, Fishers of cotton fabrics, makers of explosives, such as the du Pont, Atlas, Zetna, King, Hercules and other gigantic corporations; the Bolt, Nut and Rivet Society, manufacturers of cold rolled strip steel, the Society of Bar Iron, makers of wire fence, rolling steel doors, the Electric Appliances Society and numerous others.

Mr. Matthews said he visited every meeting and luncheon held by these societies, and assured Mr. Untermyer that the members never discussed their future prices.

Expressing the belief that the Clayton act added nothing to the Sherman act, Mr. Matthews said he had tried to get a fair test of the Eddy plan, and had even requested the Department of Justice to begin suit against his clients, but the department did not do so. He added that a former Department of Justice man, Clarke McKarthen, was counsel for several of the societies operating under this open-price system.

In asking if future prices were ever discussed by members of these various societies, Mr. Untermyer ridiculed the theory that these big manufacturers would travel thousands of miles across the country to attend luncheons for the fun of it or merely to discuss past and present prices of their competitors, which all of them already knew.

Mr. Matthews replied, however, that no future prices were discussed. He admitted that the operations of the Eddy plan contained a temptation to manufacturers to fix prices under the guise of "cooperation." He agreed that there should be some sort of governmental regulation over the "cooperation and combination" practiced for the protection of the public, but would not admit that these terms were utterly irreconcilable to competition.

In describing the system of cards whereby estimates, bids and other data are exchanged by association members, Mr. Matthews said that it brought prices out into the open and eliminated secret rebating. "I agree that this results in a partial limitation to competition," said Matthews, "but I don't believe it contravenes the law."

"Well, I think it does," replied Mr. Untermyer, "and I have so advised the committee."

The men who have taken up the plan, added Mr. Matthews, "are some of our most respected citizens and have tender consciences." And here he said: "And they are very careful."

To which Mr. Untermyer retorted: "Yes, I believe they are."

"You are of the opinion, are you, that there can be cooperation, combination and still competition?" went on Mr. Untermyer.

HE soundness of our merchandising policy has been proven by the fact that, in spite of abnormal conditions, the Chas. W. Wolf Five Stores have enjoyed a singularly marked increase in the volume of this year's business—climaxed by an overwhelming Christmas patronage.

We do not resort to "Bargain Sales." Our prices are never inflated, consequently need never be drastically reduced. Rather it is our policy at all times to keep selling prices trimmed closely to prevailing costs—to present highest-character Luggage of to-day at prices decidedly attuned to the day's most favorable market conditions.

Another Year  
Has Passed

If you have not yet made your will, remember that continued delay may mean that you will never perform this important duty which you owe to your dependents.

We invite you to name this company as your executor.

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OF NEW YORK  
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## New Device Reveals Stars Bigger Than Science Dreamed

### Second Invention Just Disclosed Is "Chemical Eye"

### Sought as War Weapon, Which Makes Invisible Rays Visible at Will

Special Dispatch to The Tribune

CHICAGO, Dec. 28.—Scientists were told to-day of a new astronomical device which measures stellar bodies and has revealed that certain remote stars are many times larger than has been suspected, and of a new wonder, called the "chemical eye," for seeing light invisible to the human eye.

Professor A. A. Michelson, of the University of Chicago, who perfected the measuring device, discussed its workings before the American Physical Society, which is one of the organizations associated with the American Association for the Advancement of Science, in session here.

The device was tested at the Mount Wilson, California, observatory in measuring Alpha Orionis, one of the more remote stars in the constellation of Orion. The star was found to be 300,000,000 miles in diameter. This is 200 times as large as the sun.

"There has never before been any means of direct measurement of the stars," said Professor Forrest Moulton, of the University of Chicago. "The principles of the device may be accepted as absolutely accurate. It introduces us to a conception of celestial bodies so large as to be almost beyond comprehension."

#### Device Completed Last Summer

Professor Michelson is a holder of the Nobel prize in physics. He worked on his device in secret, and when it was completed last summer he sent it to Mount Wilson. To-day's announcement was the first public notice of its success.

The invention consists of an opaque

"Yes."

"It doesn't strike you that those are absolutely contradictory terms, does it?"

"It doesn't."

"And you admit, do you, that if there is to be cooperation between competitors it ought to be subject to governmental regulations for the safety of the public?"

"I can see that it can be abused."

"Now, then, we have at present no governmental regulation over competitors that is opposed to the principle of the present economic system?"

"Yes."

"In the absence of governmental regulations of agreements between competitors, don't you see the peril of such agreements to the public safety?"

"Oh, sure."

"Therefore, until we get the regulations, don't you see that cooperation among competitors must be suppressed for the safety of the public?"

"No."

"In an economic system such as ours in this country, don't you see how absolutely incongruous is the idea that every competitor should know every other competitor's business?"

"Absolutely not."

"Isn't the system for the purpose of increasing profits?"

"Not necessarily."

"Your idea would be that the result of business exchanging bids would be to bring on a war of competition, and everybody lowering his bid and losing money and the customer getting the benefit?"

"Not at all."

"If it did, your plan and associations would lose their usefulness, wouldn't they?"

"No, sir."

The story of the electrical contractors and dealers' ring was told by John C. Ryan, who is the secretary for local, state and national associations in the industry. He has an office at 26 Cortlandt Street.

He said the metropolitan district had five sectional associations of electrical contractors, who were in the business of installing electrical appliances in building construction. The Electrical Contractors' Association, he said, was the first of these, and there were others in the Bronx and Brooklyn.

There also were a state association, with headquarters at 26 Cortlandt Street, and a National Association of Electrical Contractors and Dealers, which included the membership of both the sectional and state organizations, he testified.

The members of the state body operated, according to testimony, under a code of practice somewhat similar to others told of before the committee. The national organization, it was testified, had about 2,500 members all over the country.

It sent out pamphlets to all its members twice a month, which Mr. Untermyer characterized as a buyers' text-book, containing the cost of every article in the trade and the price at which it was to be sold to the consumer. Ryan said these were only "suggested prices," and that he himself declined to follow the suggestions.

Ryan admitted, however that it "would

## Miller Plans To Cut Profit Of Middleman

### Reorganization of Markets Bureau Held Certain to Lower Cost of Delivering Food Here From Farm

### May Use Barge Canal

George W. Aldridge Is Mentioned as the Next Collector of This Port

The Republican leaders at Albany and in this city understand that Governor Miller soon after the assembling of the Legislature will bring about a reorganization of the Department of Farms and Markets and support a serious plan to improve the distribution of farm produce, including milk, in the City of New York.

With milk selling at about 7 cents by the farmer at the railway station upstate and close to 20 cents a quart delivered in New York City, the upstate men believe the middlemen receive a disproportionate share of the profits, and the country legislators will go to Albany next week primed to consider the suggestions in the Governor's message relating to farm products distribution.

It is understood that Governor Miller will recommend a reorganization of the Department of Farms and Markets, concentrating administrative power in one commissioner instead of two, as at present. The council at present consists of two divisions, the division of agriculture and the division of foods and markets. There is one member from each of the nine judicial districts and the Commissioner of Markets of New York City.

#### May Use Barge Canal

The members of the council serve without pay, but their traveling expenses are paid by the state. The council appoints the two subordinate divisions. George Hogue is Commissioner of Agriculture and Dr. Eugene E. Porter is Commissioner of Foods and Markets.

An effort will be made to put the barge canal to work, loading boats along the entire length of the canal, and unloading them at various piers on the Manhattan and Brooklyn waterfronts. Governor Miller has had the advice of the market men, and he is of the conviction that a start can be made on the job of cutting down the cost of delivering foodstuffs in New York City.

The talk around state committee headquarters yesterday indicated that George W. Aldridge, of Rochester, would be appointed Collector of the Port of New York by President Harding, if Mr. Aldridge would accept the place.

Mr. Aldridge and his fellow delegates, James H. McKelvie, were the original "riding men" in the New York delegation, voting for Senator Harding from the beginning.

#### Aldridge for Collectors

Mr. Aldridge is recovering from an attack of pneumonia contracted in this

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## Mayors to Back Service at Cost Transit Program

### State Conference Also Urges the Revision of Laws Affecting the Taxation of All Public Utilities

Special Dispatch to The Tribune

ALBANY, Dec. 29.—The State Conference of Mayors, during the coming session of the Legislature, will support legislation which will permit any city or incorporated village or town in the state to enter into service at cost arrangements with street railway companies operating within their respective limits. This became known to-day when the conference issued its legislative program for 1921. Legislation of such type was up last year but was defeated.

Further utility legislation recommendations are: Revision of the laws affecting the taxation of public utilities and a law permitting traction companies to pay for street improvements annually in the same manner as abutting property owners. The cities are opposed, it is said, to any legislation which will give the Public Service Commission power to regulate rates irrespective of franchise provisions, and to municipal ownership which will permit a utility corporation to "unwind" on a municipality. An amendment is urged providing that the Public Service Commission, either upon complaint or upon its motion, may suspend changes in rates for services of gas, electric and steam corporations pending a hearing and determination by the commission.

Other recommendations are for a uniform bonding law for second and third class cities, for central municipal purchasing agencies for the reorganization of assessment and taxation work and for the creation of health departments and departments of finance. The conference asks that all legislation affecting city schools be held in abeyance until the committee created by the conference and the State Board of Regents to study school affairs has submitted its report and recommendations.

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